

U.S. Serial No. 10/615,388  
Amendment  
Response to August 16, 2005 OA

Docket No.: 740165-000355

### REMARKS

Applicants respectfully traverse the rejection of claims 1, 2, 5, 7, 8, 12 and 16-19 under 35 U.S.C. §§102 and 103 over the German '316 patent on the basis of the attached "Declaration Under 37 C.F.R. §1.131" signed by Mr. Shinji Mori, one of the co-inventors of the invention recited in claims 1-20. In the enclosed "Declaration ...", Mr. Mori declares that he had completed the claimed invention in Japan prior to March 14, 2002, which is the publication date of the German '316 patent. The enclosed "Declaration ..." includes exhibits in the form of a copy of the original invention disclosure (Exhibit A) in Japanese as well as a translation (Exhibit B) in English, and an explanation (Exhibit C) of the pertinent portions of the invention disclosure. The invention disclosure includes figures which clearly illustrate the claimed invention. Accordingly, withdrawal of the German '316 patent as a prior art reference is respectfully requested.

As the German '316 patent was either the sole or primary reference relied on in the Examiner's rejection of claims 1, 2, 5, 7, 8, 12, and 16-19, reconsideration and withdrawal of this rejection is respectfully requested. Moreover, as claims 3, 4, 13, 14 and 20 have been indicated as reciting patentable subject matter, allowance of these claims is likewise respectfully requested. Finally, as claim 1 has been deemed generic to all the species in this by the Examiner in the Office Action mailed May 20, 2005, and as restricted-out claims 6, 9-11 and 15 are each ultimately dependent upon claim 1, reinstatement and allowance of these claims is further requested.

The Examiner should further note that two new dependent claims 21 and 22 have been added to this case.

New claim 21 is dependent upon allowable claim 1, and further recites that the braking member includes a "radially moveable friction member that applies radial pressure to said prime mover rotating body.."

New claim 22 is dependent upon allowable claim 18, and recites that the urging member is "elastically deformable".

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Now that all the claims are believed to be patentable, the prompt issuance of a Notice of Allowance and Issue Fee Due is hereby earnestly solicited.

Respectfully submitted,

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